

REMARKS

Amendments

The abstract is amended in accordance with the Examiner's suggestion. Claim 1 is amended to correct typographical errors, to define group D as substituted or unsubstituted phenyl, and to define T as substituted or unsubstituted cyclohexyl, piperidinyl, piperazinyl, or morpholinyl.

Claims 2, 13 and 17-21 are amended to be consistent with the language of amended claim 1, to correct typographical errors, and/or to delete superfluous language. Claim 21 is also amended to delete references to specific salts, in light of the language at the end of the claim regarding pharmaceutically useable salts. Claims 5, 15, 23, and 24 are cancelled.

New claim 42 is directed to specific compounds of claim 21, including the specific salt compounds previously recited in claim 21. New claims 43-47 recite specific definition of group T. See, e.g., claim 1.

Abstract

In accordance with the Examiner's suggestion, the Abstract has been amended to correct the punctuation error. Withdrawal of the objection to the specification is respectfully requested.

Objection to Claim 1

Claim 1 is amended to correct the typographical error regarding the listing of a species. Withdrawal of the objection is respectfully requested.

Rejection under 35 USC 112, first paragraph

Claims 1-13, 15-19, 22-26, 28, 30-38, 40 and 41 are rejected under 35 USC 112, first paragraph, on grounds of lack of enablement. In the rejection, it is acknowledged that the subject matter wherein D is phenyl, piperidinyl, quinolinyl or 1-azabicyclo[2.2.2]octane and T is piperidinyl, phenyl, piperazinyl, or cyclohexane is enabled.

While applicants disagree that the original full scope of the claims is not enabled, to further prosecution claim 1 is amended to define group D as substituted or unsubstituted

phenyl, and to define T as substituted or unsubstituted cyclohexyl, piperidinyl, piperazinyl, or morpholinyl. Thus, the claimed subject matter is directed to subject matter acknowledged by the Examiner to be enabled.

In view of the above remarks, withdrawal of the rejection is respectfully requested.

Rejection of Claims 23-24 under 35 USC 112, first paragraph

Claims 23-24 are separately rejected under 35 USC 112, first paragraph, on grounds of lack of enablement. In the rejection, it is acknowledged that the subject matter wherein thrombosis or melanomas are inhibited is enabled.

Claims 23-24 are cancelled. The only remaining method of treatment claim is claim 38 which is directed to treating a patient suffering from thrombosis.

In view of the above remarks, withdrawal of the rejection is respectfully requested.

Rejection under 35 USC 112, second paragraph

Claims 1-5, 7-13, 15, 16, 22-26, 28, 38, 40, and 41 are rejected under 35 USC 112, second paragraph.

In the rejection, it is argued that the term " $C(R^2)_n$ " recited in the definition of the bridge group Q in claim 1 is indefinite. This is an obvious typographical error. Claim 1 is amended above to change $C(R^2)_n$ to $C(R^2)_2$.

In addition, it is asserted that claims 13, 18, 19, and 20 are indefinite because the variable $R^{3'}$ is not defined in claim 1. These claims are not indefinite since they each provide a definition of $R^{3'}$. However, to further prosecution, $R^{3'}$ is deleted from claims 13, 18, 19, and 20.

In view of the above remarks, withdrawal of the rejection is respectfully requested.

Rejection under 35 USC 102(b) in view of Aissaoui et al.

Claims 1, 4, 5, 6, 9, 10, 12, 13, 15, 16, 22, 25, 26, and 28 are rejected under 35 USC 102(b) as being anticipated in view of Aissaoui et al. (WO 2003/048154).

In the rejection, reference is made to the compound N-[(1S)-2-methyl-1-[[4-(phenylmethyl)-1-piperidinyl]carbonyl]propyl]-N'-(2-methyl-4-quinolinyl)-urea. In the rejection, it is asserted that the structure in this compound that corresponds to applicants'

group D is 2-methyl-4-quinoliny. Compare applicants' claim 1 wherein D is defined as substituted or unsubstituted phenyl.

In view of the above remarks, it is respectfully submitted that the disclosure of Aissaoui et al. fails to anticipate applicants' claimed invention. Withdrawal of the rejection is respectfully requested.

Rejection under 35 USC 102(b) in view of Chen et al.

Claims 1, 6, 12, 13, 16, 22, 25, 26, and 28 are rejected under 35 USC 102(b) as being anticipated in view of Chen et al. (US 5,721,251).

In the rejection, reference is made to the compounds: 2-[1-[(2R,3R)-3-(1H-indol-3-yl)-1-oxo-2-[[[(3R)-3-piperidinylamino]carbonyl]amino]butyl]-4-piperidinyl]-N,N-dimethyl-benzamide; 2-[1-[(2R,3R)-3-(1H-indol-3-yl)-1-oxo-2-[[[(3R)-3-piperidinylamino]carbonyl]amino]butyl]-4-piperidinyl]-N,N-dimethyl-2,2,2-trifluoroacetate-benzamide; and 2-[1-[(2R,3R)-2-[[[(3S)-1-azabicyclo[2.2.2]oct-3-ylamino]carbonyl]amino]-3-(1H-indol-3-yl)-1-oxobutyl]-4-piperidinyl]-N,N-dimethyl-benzamide. In the rejection, it is asserted that the structure in these compounds that corresponds to applicants' group D is either 3-piperidinyl or 1-azabicyclo[2.2.2]oct-3-yl. Compare applicants' claim 1 wherein D is defined as substituted or unsubstituted phenyl.

In view of the above remarks, it is respectfully submitted that the disclosure of Chen et al. fails to anticipate applicants' claimed invention. Withdrawal of the rejection is respectfully requested.

Rejection under 35 USC 102(b) in view of Holladay et al.

Claims 1, 2, 4, 5, 12, 13, 15, 16, and 17 are rejected under 35 USC 102(b) as being anticipated in view of the article by Holladay et al..

In the rejection, reference is made to several compounds said to be disclosed by Holladay et al. In each of these compounds, the structure that corresponds to applicants' group T is phenyl or fluorophenyl. Compare applicants' claim 1 wherein T is defined as substituted or unsubstituted cyclohexyl, piperidinyl, piperazinyl, or morpholinyl.

In view of the above remarks, it is respectfully submitted that the disclosure of Holladay et al. fails to anticipate applicants' claimed invention. Withdrawal of the rejection

is respectfully requested.

Rejection under 35 USC 102(b) in view of Kerwin et al.

Claims 1, 2, 4, 5, 12, 13, 16, and 25 are rejected under 35 USC 102(b) as being anticipated in view of Kerwin et al. (US 5,346,907).

In the rejection, reference is made to several compounds said to be disclosed by Kerwin et al. In each of these compounds, the structure that corresponds to applicants' group T is phenyl or fluorophenyl. Compare applicants' claim 1 wherein T is defined as substituted or unsubstituted cyclohexyl, piperidinyl, piperazinyl, or morpholinyl.

In view of the above remarks, it is respectfully submitted that the disclosure of Kerwin et al. fails to anticipate applicants' claimed invention. Withdrawal of the rejection is respectfully requested.

Rejection under 35 USC 103(a) in view of Chen et al.

Claims 1, 6, 12, 13, 16, 22, 25, 26, and 28 are rejected under 35 USC 103(a) as being obvious in view of Chen et al. (US 5,721,251).

In the rejection, reference is made to certain compounds disclosed by Chen et al. wherein the structure asserted to correspond to applicants' group D, i.e., 3-piperidinyl, is attached to a -N(CH₃)- group, not a -NH- group as in applicants' claim 1. It is further asserted that the group corresponding to applicants' T group is 2-(N(CH₃)₂-CO)-phenyl. Compare applicants' claim 1 wherein D is defined as substituted or unsubstituted phenyl, and T is defined as substituted or unsubstituted cyclohexyl, piperidinyl, piperazinyl, or morpholinyl.

In view of the above remarks, it is respectfully submitted that the disclosure of Chen et al. fails to render obvious applicants' claimed invention. Withdrawal of the rejection is respectfully requested.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

/Brion P. Heaney/

Brion P. Heaney, Reg. No. 32,542
Attorney for Applicants

MILLEN, WHITE, ZELANO & BRANIGAN, P.C.

Arlington Courthouse Plaza 1

2200 Clarendon Boulevard, Suite 1400

Arlington, VA 22201

Telephone: 703-243-6333

Facsimile: 703-243-6410

Attorney Docket No.: MERCK-3185

Date: July 29, 2010